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By ECF

August 21, 2009

Honorable Lois H. Goodman, U.S.M.J.  
Clarkson S. Fisher Federal Building  
402 East State Street, Room 6052  
Trenton, New Jersey 08608

Re: Torres-Hernandez and Ramirez v. CVT Prepaid Solutions, Inc.  
Docket No. 3:08-cv-1057-FLW-TJB  
File No. 13499-1837

Dear Judge Goodman:

We, together with the law firm of Shefsky & Froelich Ltd., represent the defendant CVT Prepaid Solutions, Inc. (CVT) and submit this letter, on its behalf, pursuant to the Court's July 10, 2009 Order (the "Order") requiring the parties to inform the Court of outstanding discovery issues and whether they are prepared to participate in the settlement conference scheduled for August 28, 2009.

Regrettably, discovery is not complete and the parties request that the settlement conference be postponed.

As the Court may recall, Plaintiffs requested CVT to provide them with two pieces of information. First, they requested copies of the monthly statements that CVT receives from STi Prepaid, LLC ("STi"). Second, they requested a statement of the manner in which CVT calculated the available minutes on its calling cards and of the number of minutes that users actually received for those calling cards; or, alternatively, information that would show the percentage of calling card value consumed by fees and charges, as opposed to actual calling time.

Consistent with the Order, CVT produced to Plaintiffs, on July 15, 2009, the most recent monthly statement provided to CVT by STi for the period December 2008

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through April 2009. With respect to Plaintiffs' other request for information, CVT informed Plaintiffs, on July 15, 2009, that it, as a result of the sale of its operating assets to STi, does not possess or control the information sought by Plaintiffs and that its ability to provide information responsive to Plaintiffs' request depended upon the cooperation and assistance of STi. CVT further informed Plaintiffs that it had communicated with STi regarding the availability and accessibility of the requested information and that, assuming STi's approval and continued cooperation with CVT's efforts in this regard, it anticipated providing two separate reports containing information responsive to Plaintiffs' request.

Since CVT's July 15th report to Plaintiffs, certain circumstances which were unforeseen by counsel and beyond CVT's control, have arisen. These circumstances, the details of which CVT counsel are not presently authorized to disclose, prevent CVT from obtaining and producing the remaining information requested by Plaintiffs. On August 19, 2009, counsel for the parties participated in a meet and confer conference. During the conference, counsel for CVT informed Plaintiffs of CVT's inability to provide the additional information sought by Plaintiffs. The conference concluded with counsel for all parties agreeing that CVT would inform the Court of the open discovery issues, and of the parties' recommendation that the settlement hearing be postponed.

We thank you for your consideration and await your advice.

Respectfully yours,

Steven Menaker  
For the Firm

SM:mr  
C: All counsel of record by ECF